

REMARKS

Entry of this Amendment under 37 CFR §1.116 is respectfully requested. Claims 1, 3, 4, 11, 13, 14, 21, 23, 31, 33, and 34 are amended. Claims 2, 12, 22, 24-30 and 32 are canceled. Claims 1, 3-11, 13-21, 23, 31, and 33-47 are pending in the application.

As described below, claims 1, 11, 21, and 31 are amended to include the respective limitations of canceled claims 2, 12, 22, and 32.

Request for Consideration of Information Disclosure Statement

Applicant respectfully requests consideration of the Information Disclosure Statement filed electronically under 37 CFR 1.97(c)(2) on September 6, 2007¹ with the requisite fee under 37 CFR 1.17(p),² as evidenced by the Electronic Acknowledgement Receipt generated September 6, 2007.³

The Rejection Under 35 USC §112, first para.

The rejection of claims 45-47 under 35 USC §112, first para. is respectfully traversed. The rejection fails to establish a prima facie case that the claims do not comply with 35 USC §112, first para.; to the contrary, the rejection simply states that “Applicant fails to explicitly suggest the [claimed language] within the original disclosure.” However, the burden initially falls with the Examiner to demonstrate “why persons skilled in the art would not recognize in [the]

¹See USPTO Image File Wrapper document dated September 6, 2007 bearing document code “IDS” and document description “Information Disclosure Statement (IDS) Filed” (4 pages).

²See page 3 of IDS cited in footnote 1 *supra*, and USPTO Image File Wrapper document dated September 18, 2007 bearing document code “N417” and document description “Status Letter Mailed to Applicant” (2 pages) that supersedes the Fee Worksheet (PTO-06) (Document Code “WFEE”) generated September 6, 2007 (2 pages).

³See USPTO Image File Wrapper document dated September 6, 2007 bearing document code “N417” and document description “Status Letter Mailed to Applicant” (2 pages).

specification disclosure a description of the invention defined by the claims.”⁴ For this reason alone the rejection must be withdrawn.

In addition, the specification and drawings provides adequate support for the claimed recital of classifying the received signaling message independent of any signaling link selection value within the received signaling message, even though the exact word “independent” is not explicitly recited in the specification.⁵

For example, the specification describes from page 6, line 25 to page 7, line 3, that the processor 18 can use different classification methods 26 (illustrated in Figure 2) to assign a packet to a class, where “[b]ased on the classification methods used by the processor 18, the processor retrieves the routing information from the routing table 20 based on the matching class entry, enabling the processor 18 to select a destination link 16 based on classifying the received signaling message as assigned to the corresponding message class” (see also page 8, lines 20-25).

Page 7, lines 4-13 also describes that “**any one** or all of the following classification methods may be loaded into the processor 18 for execution”, including input linkset classification 26a, access list classification 26b, service indicator classification 26c, SCCP-GTT classification 26d, SCCP-GTA classification 26e, or DPC classification 26f (see also page 7, lines 19-21 and 26-27; page 8, lines 7-8 and 15-16). As apparent from the description on pages 7-8 of the specification, classification can be performed based on methods other than signaling link selection (SLS) value.

⁴*Ex parte Sorenson*, 3 USPQ2d 1462, 1463 (USPTO Bd. App. Int 1987) (citing *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976)).

⁵See also MPEP §2163, Rev. 6, Sept. 2007, at 2100-180: “[i]f a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met.” (citing *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563, 19 USPQ2d 1111, 1116 (Fed. Cir. 1991); *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972) (stating “the description need not be in *ipsis verbis* [i.e., “in the same words”] to be sufficient”)).

In addition, the specification describes with respect to Figure 4 steps 40, 42 and 44 at page 9, line 28 to page 10, line 13 that “the processor 18 *classifies* in step 44 a received signaling message using the selected classification method 26. The processor 18 *then* selects one of the message class entries 24 having a class identifier 34 matching the classification of the received signaling message.” (Page 10, lines 7-9).

Hence, the specification describes at the processor can classify the received signaling message based on the *prescribed message class selection criteria* (for example, the selected classification method 26) even before selecting a matching entry 24, where the prescribed message class selection criteria does not require the SLS field.

In contrast, the specification describes at page 10, lines 16-26 with respect to steps 50, 52, and 54 that “[t]he processor 18 selects in step 50 one of the destination links based on *whether the received signaling message includes an SLS field*” (page 10, lines 16-18), and that “[t]he processor 18 reads the SLS field of the received signaling message in step 50, and uses the value from the SLS field as a key to identify an SLS entry 38 [of Fig. 3] having a matching SLS value *within the matching class* in step 52” (page 10, lines 20-22).

Hence, the specification demonstrates that the classifying illustrated in the steps 40, 42 and 42 of Figure 4 is independent of the signaling link selection value within the received signaling message, *before* the processor 18 need determine whether the received signaling message even includes an SLS field.

For these and other reasons, the rejection under §112, first para. should be withdrawn.

The Allowable Subject Matter

In view of the indication of allowable subject matter in dependent claims 2, 12, 22, and 32, independent claims 1, 11, 21, and 31 have been amended (without prejudice or disclaimer to the subject matter recited in the independent claims prior to this Amendment) to include the limitations of these respective dependent claims. Hence, it is believed the independent claims as amended are in condition for allowance.

Applicant reserves the right to file a continuing application to continue prosecution of

claims 1, 5-11, 15-21, 23-31, and 35-47 as recited in the Amendment filed September 6, 2007.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-474, and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. R. Turkevich', with a stylized flourish at the end.

Leon R. Turkevich
Registration No. 34,035

Customer No. 23164
(202) 261-1059
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